

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RUDY STANKO,	)	8:06CV290
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
ROBERT PATTON, et al.,	)	
	)	
Defendants.	)	

RUDY STANKO,	)	8:06CV510
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM AND</b>
	)	<b>ORDER</b>
UNKNOWN SANCHEZ, et al.,	)	
	)	
Defendants.	)	
	)	

This matter is before the court on its own motion. On March 17, 2008, Defendants John Does 1x through 5x, Barbara Glazer, John Hubbard, and Robert Patton filed a Motion for Summary Judgment in Case No. 8:06cv290. ([Filing No. 96.](#)) On March 28, 2008, Defendant John Heatley filed a Motion for Summary Judgment in Case No. 8:06cv290. ([Filing No. 99.](#)) On May 7, 2008, Plaintiff filed a Response to both Motions for Summary Judgment filed in Case No. 8:06cv290. ([Filing No. 102.](#)) Defendants have not filed a reply to Plaintiff's Response.

While both Defendant Heatley's Motion for Summary Judgment and Plaintiff's Response to Defendants' Motions for Summary Judgment were untimely, the court will consider these submissions. However, as Plaintiff correctly states in his

Response to Defendants John Does 1x through 5x's, Barbara Glazer's, John Hubbard's, and Robert Patton's Motion for Summary Judgment, in their Motion for Summary Judgment, Defendants do not address all of the claims asserted in Plaintiff's Amended Complaint. If Defendants wish to raise the remaining issues in their Motion for Summary Judgment they shall have until June 30, 2008 to file a supplemental brief and supporting documents addressing these additional claims. Plaintiff shall then have until July 14, 2008 to file a response to Defendants' submission. In the event that Defendants choose not to supplement their Motion for Summary Judgment, this court will deem the Motion fully submitted.

Furthermore, because of the pending Motion to Consolidate and Motion for Summary Judgment in Case No. 8:06cv510, and because of the similarity of many of the claims in Case No. 8:06cv510 and Case No. 8:06cv290, the court intends to resolve the pending Motions for Summary Judgment in both cases at the same time. Therefore, the June 11, 2008 pretrial conference scheduled before Magistrate Judge Piester in Case No. 8:06cv510 shall be rescheduled for September 8, 2008 at 9:00 a.m.

IT IS THEREFORE ORDERED that:

1. Defendants John Does 1x through 5x, Barbara Glazer, John Hubbard, and Robert Patton shall have until June 30, 2008 to file a supplemental brief and supporting documents if they wish to address the remaining claims asserted in Plaintiff's Amended Complaint in Case No. 8:06cv290.

2. Plaintiff shall have until July 14, 2008 to file a response to Defendants' submission. In the event that Defendants do not supplement their Motion for Summary Judgment, the Motion will be deemed fully submitted.

3. The June 11, 2008 pretrial conference scheduled before Magistrate Judge Piester in Case No. 8:06cv510 shall be rescheduled for September 8, 2008 at 9:00 a.m.

4. The Clerk of court shall file this Memorandum and Order in both Case No. 8:06cv290 and Case No. 8:06cv510.

May 30, 2008.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge